

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA**

In Re: Pro-Mark Services, Inc. Debtor	Court File No.: 24-30167 Chapter 7 Case
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**HARTFORD’S MOTION FOR RECONSIDERATION ON THE COURTS ORDER
GRANTING TRUSTEE’S MOTION FOR SALE OF ESTATE ASSETS**

Creditor, Hartford Accident and Casualty Company (“Hartford”), through its undersigned counsel, and pursuant to Fed. R. Bankr. P. 9023(a) and Fed. R. Civ. P. 60 (a) and (b), hereby submits this Motion for Reconsideration on the Bankruptcy Court’s Order Granting the Sale of Certain Estate Assets. [Doc. 186].

I. INTRODUCTION

1. Debtor Pro-Mark Services, Inc. (“Pro-Mark” or “Debtor”) is a general contracting construction company. Debtor’s business was principally derived from bonded federal construction projects and its primary source of income was payments from federal agencies for such work.

2. In relation to Debtor’s work on these construction projects, Hartford executed payment and performance bonds (the “Bonds”) on behalf of Debtor, and in favor of the United States, to secure such contracts as required under the Miller Act, 40 U.S.C. Sec. 3131 *et seq.*

3. On April 22, 2024, Pro-Mark filed a chapter 7 petition for relief under the United States Bankruptcy Code in the U.S. Bankruptcy Court for the District of North Dakota. On September 3, 2024, Hartford filed its Proof of Claim.

4. On November 14, 2024, the chapter 7 trustee, Erik A. Ahlgren (the “Trustee”), filed his Notice of Motion and Motion for Sale of Estate Assets (the “Sale Motion”). [Doc. 165.]

5. The assets proposed to be sold were a 2008 MEC 3772 RT Main Lift; a 2007 SkyJack SJIII3219 Scissor Lift; and a 2010 Mark Line Industries Office Trailer (collectively, the “Assets”), for a total sale price of \$6,000, with Steve Anderson, Jr. listed as the buyer.

6. On December 5, 2024, Hartford filed a Motion for an Extension of Time to Object to the Sale of Estate Assets (the “Motion”) while it evaluated its interest in the equipment up for sale. [Doc. 178].

7. On December 6, 2024, the Court entered an Order Granting Hartford’s Motion, and extended Hartford’s deadline through December 19, 2024, to object to the sale of estate Assets. [Doc. 180].

8. On December 13, 2024, the Court entered an Order Granting the Trustee’s Motion for Sale of Estate Assets. [Doc. 186].

II. ARGUMENT

Pursuant to the Court’s Order dated December 6, 2024, Hartford was granted through December 19, 2024, to object to the Trustee’s Motion for Sale of Estate Assets. In apparent error, the Court entered an Order Granting the Trustee’s Motion for Sale of Estate Assets on December 13, 2024, six days before Hartford’s extended objection deadline.

Pursuant to Fed. R. Civ. P. 60(a), the Court may correct a mistake when one is present in an order, due to clerical error or otherwise. Pursuant to Fed. R. Civ. P. 60(b), the Court may relieve a party from an order if there has been a mistake or inadvertence in issuing the Court’s decision. Here, in light of the incongruence between the Court extending Hartford’s deadline to file an objection and the Court subsequently granting the Sale Motion before expiration of Hartford’s extended deadline, Hartford requests that the Court set aside the Order Granting the Trustee’s Motion for Sale of Estate Assets until such time that the Court rules on Hartford’s Objection.

Furthermore, Hartford, the Trustee, and CCU are engaged in ongoing discussions regarding the rights to and treatment of certain assets that Hartford was assigned under the GIA, and/or to which Hartford was equitably subrogated, including the Assets at issue here.

For the reasons set forth above, Hartford respectfully requests that this Court reconsider its Order Granting Sale of Estate Assets, and accept Hartford's Objection, attached hereto as Exhibit C.

Dated this 19th day of December, 2024.

THE HUSTEAD LAW FIRM

A Professional Corporation

*Original Signature is on file at The Hustead
Law Firm, A Professional Corporation*

/s/ Connor L. Cantrell

Connor L. Cantrell, Esq.

The Hustead Law Firm

4643 S. Ulster Street, Suite 1250

Denver, Colorado 80237

(303) 721-5000

clc@thlf.com

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of December, 2024 a true and correct copy of the foregoing MOTION FOR RECONSIDERATION ON THE COURTS ORDER GRANTING TRUSTEE'S MOTION FOR SALE OF ESTATE ASSETS was electronically filed with the Court & served to the following:

Erik A. Ahlgren, Trustee
220 W Washington Ave Ste 105
Fergus Falls MN 56537
erik@ahlgrenlawoffice.net

*Original Signature is on File at The Hustead
Law Firm, A Professional Corporation*

s/ Connor L. Cantrell
Connor L. Cantrell, Esq.